SPECIAL ADVISORY COMMITTEE
on
ETHICAL ISSUES in HEALTH CARE

POSITION PAPER on RESPONSIBILITIES of HEALTH CARE WORKERS REPORTING on HIV POSITIVE PATIENTS

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RESPONSIBILITIES OF HEALTH CARE WORKERS REGARDING HIV POSITIVE PATIENTS

The Ethics Committee was asked by the former Deputy Minister of Health and by members of the nursing profession to address the question of the rights of the health care worker versus the rights of the potential HIV Positive person and the HIV Positive patient.

An extensive literature has developed over the last eight years in this regard. We have received documentation from the Canadian Medical Association, the Canadian Hospital Association and many briefs. We heard from the physicians at St. Paul's Hospital and representatives of Persons With Aids and AIDS Vancouver. We also had available draft documents from the B.C. Council of Human Rights.

Aids or HIV Positive patients have posed to the medical profession including nursing, laboratory technologists and all supporting personnel problems that have not been recently experienced. The vast literature that has accrued in the last eight years demonstrates the concern with this unique infection, for which there is as yet no cure. At the same time, the low infectivity rate in health care personnel and those not exposed through sexual activity, or through the use of shared needles, has also been taken into account. The Committee's approach has been greatly influenced by the increasing respect for human rights that has developed in the western world over the last quarter century.

In past years, health care workers were exposed regularly to a multitude of infectious diseases for which there was no treatment. Health care workers accepted this fact as part of their work situation and developed techniques to protect themselves. Because of the impact of antibiotics over the last 40 years, less emphasis has been given to teaching techniques to prevent the transmission of infectious agents. This deficiency is also a factor in the current concerns of health care personnel.

The policies and practices now generally in use by those people actively dealing with HIV Positive patients have been developed with the support both of the personnel involved, Aids patients, and their support groups.

An area of ethical consideration that has not been sufficiently stressed in the literature is the responsibility of health care workers not to transfer infection to their clients. It is morally unacceptable for health care workers such as doctors, dentists, nurses and laboratory personnel who are HIV positive to place their patients at risk. It is also imperative that all health care workers scrupulously avoid any activities that might result in the transmission of the HIV virus from patient to patient.

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The claims made recently by a few microbiologists that the HIV virus is not responsible for AIDS has not been accepted by the Committee and has not been considered in our discussions. The vast preponderance of researchers and people working in the field continue to regard HIV as a significant infectious agent.

The Special Advisory Committee on Ethical Issues in Health Care recommends:

- No mandatory testing in or out of hospital;

- Increased, continuing education of health care personnel and the public and stresses the need not only for education in techniques to prevent transmission--both patient-staff and patient-to-patient via staff--but also for strong reinforcement of this education in the workplace and by professional organizations.

and

- Supports the policies contained in the Canadian Medical Association document, "Physicians, Ethics and AIDS", emphasizing the statement that "if consent (to inform contacts by a known HIV positive patient) is refused, the physician may, and even must, in some cases, inform contacts and if the physician cannot do this, he or she should enlist the assistance of public health officials to undertake contact tracing".

- The Committee supports increased cooperation between those involved in research, education and training, government and community outreach programs.

In view of the Human Rights legislation that now exists in our country such measures as quarantine and mandatory treatment would not be acceptable in our society. Moreover, they are not thought to be effective public health policies. Because of rapid changes, this policy should be reviewed annually.

References - Summary of Canadian Medical Association document 'Physicians, Ethics and AIDS'

- Human Immunodeficiency Virus Antibody Testing Counselling Guidelines from the C.M.A.

- HIV Related Disease:
Guide to Policies for Health Care Institutions
Canadian Hospital Association

Additional Bibliography on request.

April 26, 1991